

8. The section of this Act repealing sections 635.3, 635.4, 635.5, 635.6, 635.9, 635.10, 635.12, and 635.14 applies to estates of decedents dying on or after July 1, 2007.

Approved May 9, 2007

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## CHAPTER 135

### BOILER AND PRESSURE VESSEL SAFETY

H.F. 368

**AN ACT** relating to the boiler and pressure vessel safety program enforced by the division of labor services of the department of workforce development.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 89.3, subsections 3 and 4, Code 2007, are amended by striking the subsections.

Sec. 2. Section 89.3, subsection 8, Code 2007, is amended to read as follows:

8. Internal inspections of cast aluminum steam, cast aluminum hot water heating, sectional cast iron steam, and cast iron hot water heating boilers shall be conducted only as deemed necessary by the commissioner. External operating inspections shall be conducted annually.

Sec. 3. Section 89.3, subsection 9, Code 2007, is amended to read as follows:

9. Internal inspections of steel hot water boilers shall be conducted once every six years. ~~The initial inspection of all affected boilers shall be apportioned by the commissioner over the six-year period after July 1, 1978.~~ External operating inspections shall be conducted annually.

Sec. 4. Section 89.4, subsection 1, Code 2007, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** i. Water heaters used for potable water if the capacity is less than or equal to fifty gallons, the burner input is less than or equal to fifty thousand British thermal units, and the maximum allowable working pressure is less than one hundred sixty pounds per square inch.

Sec. 5. Section 89.7, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

**89.7 SPECIAL INSPECTORS.**

1. The inspection required by this chapter shall not be made by the commissioner if an owner or user of equipment specified by this chapter obtains an inspection by a representative of a reputable insurance company and obtains a policy of insurance upon the equipment from that insurance company.

2. The representative conducting the inspection shall be commissioned by the commissioner as a special inspector for the year during which the inspection occurs and shall meet such other requirements as the commissioner may by rule establish. The commission shall be valid for one year and the special inspector shall pay a fee for the issuance of the commission. The commissioner shall establish the amount of the fee by rule. The commissioner shall establish rules for the issuance and revocation of special inspector commissions. The rules are subject to the requirements of chapter 17A.

3. The insurance company shall file a notice of insurance coverage on forms approved by the commissioner stating that the equipment is insured and that inspection shall be made in accordance with section 89.3.

4. The special inspector shall provide the user and the commissioner with an inspection report including the nature and extent of all defects and violations, in a format approved by the labor commissioner.

5. The failure of a special inspector to inform the commissioner of violations shall not subject the commissioner to liability for any damages incurred.

Sec. 6. NEW SECTION. 89.7A CERTIFICATES.

1. The commissioner shall issue a certificate of inspection valid for the period specified in section 89.3 after the payment of a fee, the filing of an inspection report, and the correction or other appropriate resolution of any defects identified in the inspection report.

2. The owner or user of any equipment covered in this chapter, or persons in charge of such equipment, shall not allow or permit a greater pressure in any unit than is stated in the certificate of inspection issued by the commissioner.

3. The commissioner shall indicate to the user whether or not the equipment may be used without making repair or replacement of defective parts, or whether or how the equipment may be used in a limited capacity before repairs or replacements are made, and the commissioner may permit the user a reasonable time to make such repairs or replacements.

Sec. 7. Section 89.11, Code 2007, is amended to read as follows:

89.11 INJUNCTION.

In addition to ~~any and~~ all other remedies, if any owner, user, or person in charge of any equipment covered by this chapter, ~~shall continue~~ continues to use any equipment covered by this chapter, after receiving a ~~notice of defect~~ an inspection report identifying defects and exhausting appeal rights as provided by this chapter, without first correcting the defects or making replacements, the commissioner may apply to the district court ~~or any judge thereof~~ by petition in equity, in an action brought in the name of the state, for a writ of injunction to restrain the use of the alleged defective equipment. However, if the commissioner believes that the continued operation of equipment constitutes an imminent danger that could seriously injure or cause death to any person, in addition to all other remedies, the commissioner may apply to the district court in the county in which the imminently dangerous condition exists for a temporary order to enjoin the owner, user, or person in charge before exhausting administrative appeals.

Sec. 8. Section 89.14, subsections 5 and 8, Code 2007, are amended to read as follows:

5. The board shall adopt rules pursuant to chapter 17A necessary to administer the duties of the board. Rules adopted by the board shall be in accordance with accepted engineering standards and practices. The board shall adopt rules relating to the equipment covered by this chapter that are in accordance with the ASME code, which may include addenda, interpretations, and code cases, as soon as reasonably practical following publication by the American society of mechanical engineers. The board shall adopt rules to require that operation of equipment cease in the event of imminent danger.

8. The board shall establish fees for examinations, ~~commissions~~, inspections, annual statements, shop inspections, and other services. The fees shall reflect the actual costs and expenses necessary to operate the board and perform the duties of the commissioner.

Approved May 9, 2007

**CHAPTER 136****MEDICAL ASSISTANCE INCOME TRUST EXPENDITURES***H.F. 397*

**AN ACT** relating to the expenditures allowable from medical assistance income trusts.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 633C.3, subsection 1, Code 2007, is amended to read as follows:

1. Regardless of the terms of a medical assistance income trust, if the beneficiary's total monthly income is less than the average statewide charge for nursing facility services to a private pay resident of a nursing facility, then, during the life of the beneficiary, any property received or held by the trust shall be expended only as follows, as applicable, and in the following order of priority:

a. A reasonable amount may be paid or set aside each month for necessary expenses of the trust, not to exceed ten dollars per month without court approval.

b. From the remaining principal or income of the trust, ~~an amount sufficient to bring the beneficiary's available income up to three hundred percent of the benefit for an individual under the federal supplemental security income program shall be paid to or otherwise made available to the beneficiary on a monthly basis, to be counted as income or a resource in determining eligibility for medical assistance under chapter 249A~~ amounts may be paid for expenses that qualify as required deductions from income pursuant to 42 C.F.R. § 435.725(c) or 435.726(c) for purposes of determining the amount by which medical assistance payments under chapter 249A for institutional services or for home and community-based services provided under a federal waiver will be reduced based on the beneficiary's income.

c. If the beneficiary is an institutionalized individual ~~or receiving home and community-based services provided under a federal waiver~~, the remaining principal or income of the trust shall be paid directly to the provider of institutional care or home and community-based services, on a monthly basis, for any cost not paid ~~by the beneficiary from the beneficiary's available income under paragraph "b"~~, to reduce any amount paid as medical assistance under chapter 249A.

d. Any remaining principal or income of the trust may, at the trustee's discretion or as directed by the terms of the trust, be paid directly to providers of other medical care or services that would otherwise be covered by medical assistance, paid to the state as reimbursement for medical assistance paid on behalf of the beneficiary, or retained by the trust.

Approved May 9, 2007